

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

YAAKOV GLUCK and SETH GLUCK,
individually, and on behalf of all others
similarly situated customers,

Plaintiffs,

v.

**FIDELITY INVESTMENTS a/k/a FMR,
LLC,**

Defendants.

Case No.: 1:24-cv-12601-LTS

**PEGGIE LITTLE, individually and on
behalf of all others similarly situated,**

Plaintiff,

v.

**FIDELITY INVESTMENTS a/k/a
FIDELITY MANAGEMENT &
RESEARCH (FMR),**

Defendants.

Case No.: 1:24-cv-12625-DJC

**BRITTON BRYANT, individually and on
behalf of all others similarly situated,**

Plaintiff,

v.

**FIDELITY INVESTMENTS a/k/a
FIDELITY BROKERAGE SERVICES,
LLC,**

Defendants.

Case No.: 1:24-cv-12653-DJC

RATIEK LOWERY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

**FIDELITY INVESTMENTS a/k/a
FIDELITY MANAGEMENT &
RESEARCH (FMR)**,

Defendants.

Case No.: 1:24-cv-12669-LTS

**ORDER CONSOLIDATING RELATED ACTIONS
AND APPOINTING INTERIM CLASS COUNSEL AND INTERIM LIAISON COUNSEL**

Having reviewed the parties' submissions, the Court hereby ORDERS that Plaintiffs' Motion to Consolidate and Appoint Interim Lead Counsel and Interim Liaison Counsel, is GRANTED.

IT IS HEREBY ORDERED THAT:

1. Pursuant to [Federal Rule of Civil Procedure 42](#), the cases *Gluck, et al. v. Fidelity Investments*, No. 1:24-CV-12601, *Little v. Fidelity Investments, et al.*, No. 1:24-CV-12625, *Bryant v. Fidelity Investments*, 1:24-CV-12653, and *Lowery v. Fidelity Investments*, No. 1:24-CV-12669 are consolidated until class certification. The *Gluck* case is designated as the lead case. All papers filed in the Consolidated Action shall be filed under Case No. 1:23-CV-12601-LTS and shall bear the following caption:

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE FIDELITY INVESTMENTS DATA
BREACH LITIGATION

This Document Relates To:

Lead Case No. 1:24-CV-12601-LTS

2. All future pleadings, motions, briefs, and other papers shall be filed in Case No. 1:23-CV-12601-LTS. The clerk is directed to CLOSE Case Nos. 1:24-CV-12625, 1:24-CV-12653, and 1:24-CV-12669.

3. All future-filed or transferred actions that are related to the Consolidated Action pursuant to Federal Rule of Civil Procedure 42 in that they are based on the same or similar facts and circumstances shall be consolidated in the Consolidated Action upon agreement of the parties and the filing of a notice of consolidation.

4. Interim Lead Counsel Lori G. Feldman and A. Brooke Murphy shall be responsible for the overall conduct of the litigation on behalf of the proposed class, including providing supervision of all Plaintiffs' counsel in this litigation. As Interim Lead Counsel for Plaintiffs, Ms. Feldman and Ms. Murphy have the authority to:

- a. Promote efficient conduct of this litigation and avoid unnecessary duplication and unproductive efforts by making and supervising all work assignments;
- b. Prepare and file the Consolidated Class Action Complaint on behalf of the proposed class, and any subsequent pleadings;
- c. Make, brief, and argue motions;
- d. Conduct all pre-certification proceedings on behalf of the proposed class and act as spokespersons for the proposed class;
- e. Conduct or coordinate discovery on behalf of the proposed class consistent with the Federal Rules of Civil Procedure, local rules, and orders of the Court, including preparation of (or responses to) written discovery requests and examination (or defense) of witnesses in depositions;

- f. Monitor activities of the Plaintiffs' counsel to whom they delegate work and implement procedures to ensure that schedules are met and unnecessary expenditures of time and funds are avoided by collecting from each firm regular time and expense reports;
 - g. Negotiate with defense counsel with respect to settlement and other matters;
 - h. Consult with and retain expert witnesses for the proposed class;
 - i. Consult with, retain, and manage relations with outside vendors for the collection, processing, or review of documents and electronically stored information produced in discovery;
 - j. Conduct or coordinate all negotiations with defense counsel regarding search and production protocols, manage the review of documents produced by Defendants and third parties (and production of documents by the proposed class Plaintiffs), and implement advanced analytics for the efficient review of documents as appropriate;
 - k. Coordinate and communicate as necessary with counsel for other parties in the litigation regarding any matters addressed in this Order in order to ensure efficient use of Plaintiffs,' Defendants' and the Court's time;
 - l. Ensure that all Plaintiffs' counsel and Plaintiffs are informed of the progress of this litigation as necessary; and
 - m. Otherwise coordinate the work of Plaintiffs' counsel and perform such other duties as authorized by further Order of the Court.
5. Interim Lead Counsel shall regularly collaborate with additional class counsel with respect to the duties and responsibilities discussed above.

6. All Plaintiffs' counsel shall keep a daily record of their time spent and expenses incurred in connection with this litigation, indicating with specificity the hours and particular activities performed. All Plaintiffs' counsel shall endeavor to keep fees reasonable and to choose the most appropriate level of staffing for the tasks required in this litigation. The provisions of this paragraph do not limit the discretion of Interim Lead Counsel in basing an allocation of any fee award among Plaintiffs' counsel, whether based on lodestar, a percentage-based allocation, a combination of the two, or any other reasonable method of allocation.

7. Executive Committee Firms Srourian Law Firm, P.C. and Zemel Law LLC shall have the authority to perform or delegate the following tasks on behalf of all Plaintiffs in this consolidated action:

- a. Work with Interim Lead Counsel on preparation of the Consolidated Class Action Complaint and any subsequent amendments as necessary;
- b. Assisting with the developing and negotiating relevant discovery protocols and stipulations/orders, assisting to draft discovery requests to defendants, and assisting with the management document review and electronic discovery;
- c. Overseeing third-party discovery;
- d. Working with experts for and defending experts in depositions, and helping to prepare for and taking depositions of opposing counsel's experts;
- e. Working with Interim Lead Counsel on researching legal issues, preparing motions, and responding to motions; and
- f. All other responsibilities as may deemed appropriate by Interim Lead Counsel or as ordered by the Court.

8. Interim Liaison Counsel Siri Glimstad LLP shall have the authority to perform the following tasks on behalf of all Plaintiffs in this consolidated action:

- a. Maintain and distribute to co-counsel an up-to-date service list;
- b. Receive and, as appropriate, distribute to co-counsel orders from the Court and documents from opposing parties and counsel;
- c. Maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party except such documents as may be available at a document file depository;
- d. Establish and maintain a document file depository; and
- e. Perform such other duties that may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by Interim Lead Counsel.

9. The Court hereby sets the following initial case deadlines for the Consolidated Action:

- a. Plaintiffs shall file a Consolidated Class Action Complaint no later than 45 days following entry of this Order;
- b. Defendants shall file an answer or otherwise respond to the Consolidated Class Action Complaint within 45 days of the filing of the Consolidated Complaint;
- c. Plaintiffs shall file an opposition to any motion to dismiss or similar motion filed in response to the Consolidated Class Action Complaint within 45 days of the motion; and
- d. Defendants shall file a reply in support of any motion to dismiss or similar motion within 21 days of Plaintiffs' opposition.

SO ORDERED:

Dated: December 10, 2024

/s/ Leo T. Sorokin
The Honorable Leo T. Sorokin
United States District Court Judge